



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

March 17, 2025

Via Certified Mail:

9589 0710 5270 1592 6808 51

Guriqbal Singh, President
Roop Inc.
8858 Doubletree Dr. North
Crown Point, IN 46307

Via Certified Mail:

9589 0710 5270 1592 6808 75

Terry Kostelnik, Registered Agent
Roop Inc.
124 Main St.
Hobart, IN 46342

Via Certified Mail:

9589 0710 5270 1592 6808 82

Thomas Collins II, Registered Agent
Luke Land, LLC
3592 North Hobart Road
Hobart, IN 46342

Dear Interested Parties:

Re: Notice of Violation and Proposed Agreed Order
Luke Land, LLC and Roop Inc.
Case No. 2024-30607-U
FID No. 50029
Merrillville, Lake County

Qualified offer of settlement: inadmissible per Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

IDEM conducted an investigation of the site with FID #50029 and has made a preliminary determination that violations of environmental management rules exist. Per IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violations and a proposed Agreed Order which constitutes a qualified offer of settlement.

Please note, per IC 13-23-1-4(b), the Commissioner may determine whether an underground storage tank ("UST") is eligible for delivery, deposit, or acceptance of a regulated substance, and may issue a temporary order to prohibit the use of the UST that is deemed ineligible and demand compliance if the facility is in violation of requirements described in IC 13-23-1-4(b)(2)(A), (B), and/or (C) that regulate USTs. You may have already received or may receive in the future a separate correspondence from IDEM regarding this delivery prohibition.

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!

Letterhead INCY R-01.2024



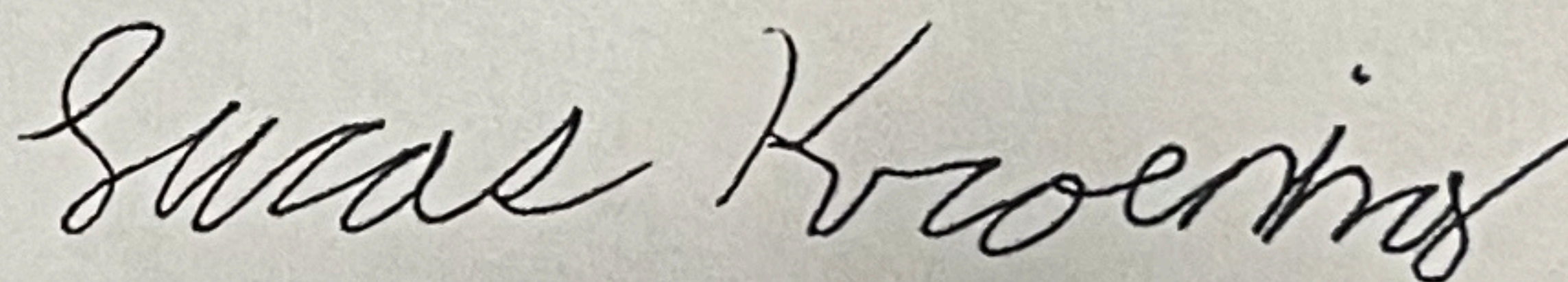
You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order contains a preliminary penalty figure for settlement discussion purposes only and is based on penalty calculations associated with the alleged violations set forth in the Notice of Violation. A portion of the civil penalty may be offset by performing an approved Supplemental Environmental Project (SEP). Typical SEPs have included pollution prevention, pollution control, and environmental restoration projects. A copy of IDEM's SEP policy may be obtained from this office or at IDEM's website at www.IN.gov/idem.

The individual signing the enclosed Agreed Order should be fully authorized to execute the document and legally bind the parties. The timely entry into an Agreed Order, which saves you and IDEM time and resources, may lead to a reduction in the civil penalty.

IDEM is not required to extend the offer of entry into an Agreed Order for more than 60 days. You may enter into an Agreed Order without admitting that the violations occurred. Additionally, to encourage a timely agreement, IDEM may offer a one-time twenty percent reduction (20%) to the Civil Penalty for 60 days after receipt of this Notice of Violation.

If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental laws, rules, and/or permit, including payment of a civil penalty. Please contact me at (317) 941-4551 or via email at LKroenin@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,



Lucas Kroening, Case Manager
Land Enforcement Section
Compliance Branch
Office of Land Quality

Enclosures

cc: Lake County Health Department
Loic Maniet, UST Compliance, Imaniet@idem.in.gov
Jordan Ware, UST Compliance Manager, JMWare@idem.IN.gov
Todd Settles, UST Inspector, TSettles@idem.IN.gov
Michele Murday, Director, NWRO mmurday@idem.in.gov
Charles Breitenfeldt, Deputy Director, NWRO ChBreite@idem.in.gov
Don Butkiewicz, dbutkiewicz@lukebrands.com
IDEM Virtual File Cabinet



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Mike Braun
Governor

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Commissioner

NOTICE OF VIOLATION

Guriqbal Singh, President
Roop Inc.
8858 Doubletree Dr. North
Crown Point, IN 46307

Terry Kostelnik, Registered Agent
Roop Inc.
124 Main St.
Hobart, IN 46342

Thomas Collins II, Registered Agent
Luke Land, LLC
3592 North Hobart Rd.
Hobart, IN 46342

Case No. 2024-30607-U

Pursuant to Indiana Code ("IC") 13-30-3-3, the Indiana Department of Environmental Management ("IDEM") issues this Notice of Violation. Based on an investigation including an inspection conducted on June 17, 2024, the Indiana Department of Environmental Management ("IDEM") has reason to believe that Luke Land, LLC and Roop Inc. ("Respondents") violated environmental rules. The violations are based on the following:

1. Respondent, Luke Land, LLC, owns and operates Underground Storage Tank ("UST") systems, with UST Facility ID #50029, located at 7269 Broadway, parcel # 45-12-15-151-027.000-030, in Merrillville, Lake County, Indiana (the "Site").
2. Respondent, Roop Inc., operates UST systems, with UST Facility ID #50029, located at 7269 Broadway, parcel # 45-12-15-151-027.000-030, in Merrillville, Lake County, Indiana (the "Site").
3. Respondents own and operate one (1) 20,000-gallon gasoline and one (1) 15,000-gallon compartmented UST that has three (3) 5,000-gallon compartments: one (1) 5,000-gallon diesel, one (1) 5,000-gallon premium gasoline, and one (1) 5,000-gallon E85. The piping is pressurized, fiberglass and double walled.
4. Owner as defined in IC 13-11-2-150(a)(1)(A) means, for an UST that was in use on November 8, 1984 or brought into use after November 8, 1984 for the storage, use, or dispensing of regulated substances, a person who owns the UST or the real property that is the UST site, or both. According to the Lake County Assessor's Office, Luke Land, LLC is the owner of the Site.

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



Lettershead INDY R-01.2024

5. A Violation Letter was issued to Respondents on November 21, 2023, which required Respondents to submit an Initial Registration Form, including all required attachments. Respondent failed to respond to the Violation Letter.
6. A Records Request Letter was issued to Respondents on April 9, 2024, which required Respondents to submit compliance paperwork within fifteen (15) days of receipt of the letter. Respondents failed to respond to the Records Request Letter.
7. Pursuant to 329 IAC 9-2-2(a)(1), the owner and operator of a UST shall notify the department using a form approved by the Indiana archives and records administration for use by the department in the following circumstances:
 - (1) For a UST that has not been previously registered with the department, the owner shall register the UST by completing and submitting a form as described in subsection (b) within thirty (30) days of:
 - (A) becoming the owner of the UST; or
 - (B) bringing into use the UST as determined if the UST:
 - (i) contains or has contained a regulated substance; and
 - (ii) has not been closed under 329 IAC 9-6.

As noted during the June 17, 2024, inspection and November 21, 2023 record review, Respondents failed to submit a notification form within 30 days of becoming the owner of, or bringing into use, the UST system, UST, or tank.

8. Pursuant to 40 Code of Federal Regulations ("CFR") 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

As noted during the June 17, 2024 inspection, Respondents failed to submit the documentation requested by IDEM's April 9, 2024 letter as required.

In accordance with IC 13-30-3-3, the Commissioner herein provides notice that the violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

As provided in IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting that the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate

Roop Inc. and Luke Land, LLC
Case # 2024-30607-U
FID # 50029
Page 3

civil penalty. Pursuant to IC 13-23-14-3, the Commissioner may assess penalties of up to \$10,000 per day for each underground storage tank.

Please contact Lucas Kroening at (317) 941-4551 or LKroenin@idem.IN.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:

Lori Freeman

Lori Freeman, Branch Chief
Compliance Branch
Office of Land Quality

Date: March 12, 2025



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • Fax (317) 233-6647 • www.idem.IN.gov

Mike Braun
Governor

Clint Woods
Commissioner

STATE OF INDIANA) SS: BEFORE THE INDIANA DEPARTMENT OF
COUNTY OF MARION) ENVIRONMENTAL MANAGEMENT
COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT,)
Complainant,)
v.) Case No. 2024-30607-U
ROOP INC. AND LUKE LAND, LLC,)
Respondents.)

AGREED ORDER

Complainant and Respondents desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code ("IC") 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondents' entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondents may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner ("Complainant") of the Indiana Department of Environmental Management ("IDEM"), a department of the State of Indiana created by Indiana Code ("IC") 13-13-1-1.
2. Respondent, Luke Land, LLC, owns and operates Underground Storage Tank ("UST") systems, with UST Facility ID #50029, located at 7269 Broadway, parcel # 45-12-15-151-027.000-030, in Merrillville, Lake County, Indiana (the "Site").
2. Respondent, Roop Inc., operates UST systems, with UST Facility ID #50029, located at 7269 Broadway, parcel # 45-12-15-151-027.000-030, in Merrillville, Lake County, Indiana (the "Site").
3. Respondents own and operate one (1) 20,000-gallon gasoline and one (1) 15,000-gallon compartmented UST that has three (3) 5,000-gallon compartments: one (1) 5,000-gallon

Visit on.IN.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



Letterhead 105217 10-01-2024

diesel, one (1) 5,000-gallon premium gasoline, and one (1) 5,000-gallon E85. The piping is pressurized, fiberglass and double walled.

4. Owner as defined in IC 13-11-2-150(a)(1)(A) means, for an UST that was in use on November 8, 1984 or brought into use after November 8, 1984 for the storage, use, or dispensing of regulated substances, a person who owns the UST or the real property that is the UST site, or both. According to the Lake County Assessor's Office, Luke Land, LLC is the owner of the Site.
5. A Violation Letter was issued to Respondents on November 21, 2023, which required Respondents to submit an Initial Registration Form, including all required attachments. Respondent failed to respond to the Violation Letter.
6. A Records Request Letter was issued to Respondents on April 9, 2024, which required Respondents to submit compliance paperwork within fifteen (15) days of receipt of the letter. Respondents failed to respond to the Records Request Letter.
7. IDEM has jurisdiction over the parties and the subject matter of this action.
5. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation ("NOV") via certified mail to:

Guriqbal Singh, President
Roop Inc.
8858 Doubletree Dr. North
Crown Point, IN 46307

Terry Kostelnik, Registered Agent
Roop Inc.
124 Main St.
Hobart, IN 46342

Thomas Collins II, Registered Agent
Luke Land, LLC
3592 North Hobart Road
Hobart, IN 46342

6. During an investigation including an inspection conducted on June 17, 2024, by a representative of IDEM, the following violations were found:
 - a. Pursuant to 329 IAC 9-2-2(a)(1), the owner and operator of a UST shall notify the department using a form approved by the Indiana archives and records administration for use by the department in the following circumstances:
 - (1) For a UST that has not been previously registered with the department, the owner shall register the UST by completing and submitting a form as described in subsection (b) within thirty (30) days of:
 - (A) becoming the owner of the UST; or
 - (B) bringing into use the UST as determined if the UST:
 - (i) contains or has contained a regulated substance; and
 - (ii) has not been closed under 329 IAC 9-6.

As noted during the June 17, 2024, inspection and November 21, 2023 record review, Respondents failed to submit a notification form within 30 days of becoming the owner of, or bringing into use, the UST system, UST, or tank.

- b. Pursuant to 40 Code of Federal Regulations ("CFR") 280.34, owners and operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the implementing agency, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to section 9005 of Subtitle I of the Solid Waste Disposal Act, as amended.

As noted during the June 17, 2024 inspection, Respondents failed to submit the documentation requested by IDEM's April 9, 2024 letter as required.

7. Orders of the Commissioner are subject to administrative review by the Office of Administrative Law Proceedings under IC 4-21.5; however, in recognition of the settlement reached, Respondents acknowledge notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate and has been received by Respondents. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondents shall comply with the statutes and rules listed in the findings of fact above.
3. Within thirty (30) days of the Effective Date, Respondents shall comply with 40 CFR 280.34 and submit to the IDEM case manager at the address specified below testing and monitoring documentation as required by the April 9, 2024 Records Request Letter.
4. Within thirty (30) days of the Effective Date, Respondents shall comply with 329 IAC 9-2-2(a)(1) and shall accurately complete the most recent version of the appropriate state form with required attachments and submit to IDEM via email to USTRegistration@idem.IN.gov and Lkroenin@idem.IN.gov. Include a Facility ID # in the subject line and pdf file name of the email, so documents can be processed accordingly.
5. Within fifteen (15) days of notification from IDEM that the submitted form required in the immediately preceding paragraph is inadequate, Respondent shall submit a corrected form to be approved by IDEM. Stipulated penalties, as described below may be assessed for continued submittal of inadequate forms.
6. All submittals required by this Agreed Order, unless Respondents are notified otherwise in writing by IDEM, shall be sent to:

Lucas Kroening, Enforcement Case Manager
Office of Land Quality

Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

7. Pursuant to IC 13-30-4-1, Respondents are assessed and agree to pay a civil penalty of Twenty Thousand Dollars (\$20,000), for which Respondents are jointly and severally liable. After this Agreed Order is adopted (signed by the Assistant Commissioner of the Office of Land Quality), Respondents shall pay by the due date printed on the Invoice that will be attached to the adopted Agreed Order.

Civil and stipulated penalties are payable to the "Indiana Department of Environmental Management" by:

Mail:

Civil penalties are payable by check to the "Indiana Department of Environmental Management." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
P.O. Box 3295
Indianapolis, IN 46206

Online:

Accounts Receivable is accepting payments online by e-Check, Master Card, Visa or Discover. Please visit www.IN.gov/IDEM. Under Online Services, click Online Payment options and follow the prompts. A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

Phone:

You may also call us at 317-234-3099 and follow the instructions for Master Card, Visa or Discover payments. A processing fee of \$0.40 plus 2.06% will be charged for credit card payments. A processing fee of \$0.15 will be charged for eCheck payments. The Case Number is required to complete the process.

8. In the event the terms and conditions of the following paragraphs are violated, Complainant may assess, and Respondent shall pay a stipulated penalty in the following amount:

<u>Paragraph</u>	<u>Stipulated Penalty</u>
Order paragraph #3	\$100 per week
Order Paragraph #4	\$100 per week
Order Paragraph #5	\$100 per week

Stipulated penalties shall begin to be assessed on the date after the Effective Date and shall continue until the documentation is submitted as required by the associated paragraph.

9. Stipulated penalties shall be due and payable no later than the thirtieth day after Respondents receive written notice that Complainant has determined a stipulated penalty is due; at which time, a separate invoice will be issued. Complainant may notify Respondents at any time that the stipulated penalty is due. Failure to notify Respondents in writing in a timely manner of a stipulated penalty assessment shall not waive Complainant's right to collect such stipulated penalty or preclude Complainant from seeking additional relief against Respondents for violation of this Agreed Order. Neither assessment nor payment of stipulated penalties shall preclude Complainant from seeking additional relief against Respondents for a violation of this Agreed Order; such additional relief includes any remedies or sanctions available pursuant to Indiana law, including, but not limited to, civil penalties pursuant to IC 13-30-4. Respondents are jointly and severally liable for all stipulated penalty assessments.
10. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondents shall pay an additional penalty of 10 percent, payable to "Indiana Department of Environmental Management," and shall be payable to IDEM in the manner specified in Paragraph 7, above.
11. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
12. This Agreed Order shall apply to and be binding upon Respondents and all successors and assigns. Respondents shall provide a copy of this Agreed Order, if in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.
13. No change in ownership, corporate, or partnership status of Respondents shall in any way alter the Respondents' status or responsibilities under this Agreed Order.
14. Respondents shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
15. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.
16. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondents pursuant to this Agreed Order, shall not in any way relieve Respondents of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.
17. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondents' compliance with any aspect of this Agreed Order will result in

compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondents may incur as a result of Respondents' efforts to comply with this Agreed Order.

18. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to seek additional civil penalties for the violations specified in the NOV.
19. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the U.S. Environmental Protection Agency (U.S. EPA) or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondents may incur as a result of such communications with the U.S. EPA or any other agency or entity.
20. This Agreed Order shall remain in effect until IDEM issues a Resolution of Case letter to Respondents.

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TECHNICAL RECOMMENDATION:
Department of Environmental Management

By: _____

Jennifer Reno

Jennifer Reno, Chief
Land Enforcement Section
Compliance Branch
Office of Land Quality

Date: 2/27/2025

RESPONDENT:

By: _____

Printed: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Printed: _____

Date: _____

RESPONDENT:

By: _____

Printed: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Printed: _____

Date: _____

RESPONDENT:

By: _____

Printed: _____

Date: _____

By: _____

Printed: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT THIS _____ DAY OF _____, 20____

For the Commissioner:

Brian Wolff
Assistant Commissioner

Roop Inc. and Luke Land, LLC
Case # 2024-30607-U
FID # 50029
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Office of Land Quality